IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2848 of 2005

Between:

V. Srinivasa Rao, S/o. Nancharaiah,
R/o. Sivalayam Street, 2nd Ward, Pedana Mandal, Krishna District.

..... PETITIONER

AND

1 The Collector and District Magistrate, Krishna District.
2 The Government of Andhra Pradesh, rep by its Chief Secretary, Hyderabad.
3 The Superintendent of Central Prison, Rajahmundry.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Habeas Corpus Under Art 226 of the Constitution of India directing the Respondents to produce Smt. Chalapati Alivelu, W/o. Subba Rao, now detained in Central Prison, Rajahmundry, before this Hon'ble Court and she may be ordered to be released forth with after declaring that her detention is illegal and void.

Counsel for the Petitioner : MR.C.PRAVEEN KUMAR

Counsel for the Respondents : THE ADVOCATE GENERAL

The Court at the admission stage made the following :

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

This Writ Petition has been filed, challenging the order of detention passed by the District Magistrate and Collector, Krishna District in terms of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (hereinafter referred to as 'the Act') against the detenu namely Smt.Chalapati Alivelu w/o.Subba Rao.

One of the grounds taken in the writ petition is that the District Magistrate has taken into consideration five cases, which were allegedly registered against the detenu from 03.05.2001 to 30.09.2004, but copies of the charge sheets or First Information Reports of those cases were not supplied to the detenu. This has not been denied in the counter affidavit. But the District Magistrate had sought to justify the order of detention, stating that he did not take these instances into consideration while framing his opinion. These were only mentioned by way of history and introduction of the detenu. This is a farfetched explanation. When this history and explanation was before the District Magistrate, it is obvious that it must have influenced him while coming to the subjective satisfaction that the detenu needs to be detained. Since the grounds are not severable in terms of this Act, the order of detention is quashed on this ground

alone. The respondents are directed to release the detenu forthwith, if not required in any other case.

Writ Petition is accordingly allowed. No order as to costs.

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BILAL NAZKI, J

14th March 2005.

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L.NARASIMHA REDDY, J

ajr

To

1 The Collector and District Magistrate, Krishna District.
2 The Chief Secretary, Government of Andhra Pradesh, Hyderabad.
3 The Superintendent of Central Prison, Rajahmundry.

4 Two C.Cs. to the Advocate General, High Court of A.P., Hyderabad

(O.U.T).

5 Two C.D. copies.